

VAN DYKE & ASSOCIATES
A PROFESSIONAL LAW CORPORATION
Richard S. Van Dyke, Esq. (SBN 196753)
e-mail: rsvandyke@vdalaw.com
James A. Bush (SBN 195917)
e-mail: jrbush@vdalaw.com.com
Highlands Corporate Center
12760 High Bluff Drive, Suite 300
San Diego California 92130
Telephone: (858) 509-0500
Facsimile: (858) 356-5584

Attorneys for NICHOLAS MARSCH, III

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA**

In re:

NICHOLAS MARSCH III,
Debtor.

Case No.: 10-02939-PB11

Chapter 11

BK Appeal No.: 1

NICOLAS MARSCH, III
Appellant,
LENNAR CORPORATION, ET AL,
Appellees.

**APPELLANT'S DESIGNATION
OF RECORD ON APPEAL AND
STATEMENT OF ISSUES FOR
APPEAL**

Pursuant to Fed. R. Bankr. P. 8006, Appellant Nicolas Marsch III hereby designates the record on appeal and states the issues for appeal, as follows:

I. Designation of Record

Appellant Nicolas Marsch III hereby designates for the record on appeal all

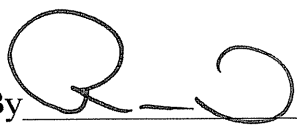
1 the items in the Bankruptcy Court's electronic docket that are set forth in Exhibit A
2 attached hereto.

3 **II. Statement of Issues**

4 Appellant Nicolas Marsch III hereby reserves the right to raise each of the
5 following issues on appeal:

- 6
- 7 1. Whether the court erred in granting Lennar's motion for Relief from
8 Stay OMM-4 [Doc. # 361] to pursue the *Lennar Corp., et al v.*
9 *Briarwood Capital, LLC, et al* (the "Florida" case) before allowing the
10 related action entitled *Briarwood Capital, LLC v. Lennar Land Partners*
11 *II, et al* (the "Bridges Appeal") to proceed to a (final) judgment, in
12 accordance with the Order on Stipulation For Emergency Modification
13 of the Automatic Stay [Doc. # 15].
- 14 2. Whether the court erred in granting Lennar's motion for Relief from
15 Stay OMM-4 [Doc. # 361] to pursue the *Lennar Corp., et al v.*
16 *Briarwood Capital, LLC, et al* (the "Florida" case) before entering its
17 Order granting Trustee's Motion to Convert Chapter 11 case to case
18 under Chapter 7 [Doc. # 281].

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21 Dated: September 13, 2011

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24 By  _____
25 Richard S. Van Dyke, Esq.
26 Attorneys for Nicholas Marsch III
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